

# HOUSE BILL 736

E2, E1

0lr1420

---

By: **Delegates King, Beidle, George, Kipke, Love, McConkey, Schuh, and Sophocleus**

Introduced and read first time: February 5, 2010

Assigned to: Judiciary

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Registered Sex Offenders – Residency Restriction**

3 FOR the purpose of prohibiting a registered sex offender from residing within a  
4 certain distance of a school or child care facility; specifying how distance shall  
5 be measured for purposes of this Act; providing certain exceptions; establishing  
6 criminal penalties for a violation of this Act; defining certain terms; and  
7 generally relating to residency restrictions for registered sex offenders.

8 BY adding to

9 Article – Criminal Procedure

10 Section 11–722.1

11 Annotated Code of Maryland

12 (2008 Replacement Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Procedure**

16 **11–722.1.**

17 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
18 **MEANINGS INDICATED.**

19 **(2) “CHILD CARE FACILITY” MEANS A FAMILY DAY CARE HOME,**  
20 **CHILD CARE HOME, CHILD CARE INSTITUTION, OR CHILD CARE CENTER**  
21 **REGISTERED OR LICENSED UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW**  
22 **ARTICLE.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “RESIDE” MEANS TO DWELL PERMANENTLY OR**  
2 **CONTINUOUSLY OR TO OCCUPY A DWELLING OR HOME AS A PERMANENT OR**  
3 **TEMPORARY PLACE OF ABODE.**

4           **(4) “SCHOOL” MEANS A PUBLIC OR NONPUBLIC ELEMENTARY OR**  
5 **SECONDARY SCHOOL.**

6           **(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**  
7 **REGISTRANT MAY NOT KNOWINGLY RESIDE 1,000 FEET OR LESS FROM A**  
8 **SCHOOL OR CHILD CARE FACILITY.**

9           **(2) FOR PURPOSES OF THIS SUBSECTION, DISTANCE SHALL BE**  
10 **MEASURED FROM THE BOUNDARY OF THE PROPERTY ON WHICH THE**  
11 **REGISTRANT RESIDES TO THE BOUNDARY OF THE PROPERTY OF THE SCHOOL**  
12 **OR CHILD CARE FACILITY AT THE CLOSEST POINTS OF THOSE BOUNDARIES.**

13           **(C) THIS SECTION DOES NOT APPLY TO A REGISTRANT RESIDING ON**  
14 **PROPERTY THAT THE REGISTRANT:**

15           **(1) OWNED OR OCCUPIED LAWFULLY ON SEPTEMBER 30, 2010,**  
16 **PROVIDED THAT THE REGISTRANT’S OWNERSHIP OR OCCUPANCY OF THE**  
17 **PROPERTY REMAINS CONTINUOUS AND UNINTERRUPTED; OR**

18           **(2) OWNED OR OCCUPIED BEFORE THE DATE ON WHICH A SCHOOL**  
19 **OR CHILD CARE FACILITY WAS ESTABLISHED WITHIN THE PROHIBITED**  
20 **DISTANCE SPECIFIED IN SUBSECTION (B) OF THIS SECTION, PROVIDED THAT**  
21 **THE REGISTRANT’S OWNERSHIP OR OCCUPANCY OF THE PROPERTY REMAINS**  
22 **CONTINUOUS AND UNINTERRUPTED.**

23           **(D) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**  
24 **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT**  
25 **EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.**

26           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
27 **October 1, 2010.**